IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

CRL.A.No. 662 of 2000(Y)

CC.624/2000 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR

.....

APPELLANT/COMPLAINANT:

PHARMA KURIES (P) LTD.,
THRISSUR, REP. BY CHAIRMAN T.M.THOMAS,
S/O.THAIKATTIL MANI, VELLANIKARA, POWER OF ATTORNEY HOLDER, C.K.VARGHESE, S/S.CHUNKATH KOCHUDEVASSY, MANALUR VILLAGE, PALAZHY DESOM, THRISSUR.

BY ADV. SRI.DILIP J. AKKARA

RESPONDENTS:

1.MRS.MARIYAMMA JOSE,W/O.JOSE
P.JOSEPH, PALAKUNNEL HOUSE,
ERNAKULAM VILLAGE, KADAVANTHARA
DESOM, KANAYANNUR TALUK,KADAVANTHARA P.O.,
ERNAKULAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.K.C.SANTHOSHKUMAR

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY, J.

Crl. Appeal No. 662 of 2000

Dated this the 21st day of March, 2007

Judgment

This appeal is filed against the order of acquittal. Notice was ordered on 16.10.2000, but, notice was returned stating that the first respondent/accused was not known. Thereafter, the case was put in the defect list and defects were not cured. When the case was posted on 7.3.2007, it was submitted that there is a chance for settlement and the case was adjourned to 14.3.2007. When the case was called on 14.3.2007, there was no representation and defects were not cured and the case was posted for today. Today also there is no representation and defects were not cured.

2. Apart from the above, I note that appellant filed a complaint under section 138 of the Negotiable Instruments Act contending that cheque given by the first respondent was dishonoured for insufficiency of funds. Since the complainant was absent on the date of hearing, the accused was acquitted under section 256 of the Code of Criminal Procedure. Dismissal of the complainant under section 256 of the Code of Criminal Procedure when complainant was absent cannot be stated to be illegal so as

to interfere in an appeal against order of acquittal. Appeal is dismissed.

J.B. KOSHY
(JUDGE)

vaa

J.B.Koshy, J.

Crl. A. No.662 of 2000

Judgment

21-3-2007